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LETTER DATED 13 JULY 1994 FROM THE PERMANENT REPRESENTATIVE OF BOSNIA AND HERZEGOVINA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to present to you the attached Human Rights Watch Report on Banja Luka dated June 1994.

May I ask for your kind assistance in circulating this Report as a document of the Security Council.

(Signed) Muhamed SACIRBEY
Ambassador and
Permanent Representative

Human Rights Watch
Helsinki

June 1994 Volume 6, Issue 8

WAR CRIMES IN BOSNIA-HERCEGOVINA: U.N. CEASE-FIRE WON'T HELP BANJA LUKA

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Introduction

Banja Luka, the second largest city in Bosnia-Hercegovina after Sarajevo, is the scene of much of the most severe and systematic "ethnic cleansing" underway in that country. Indeed, according to a spokesperson for the U.N. High Commissioner for Refugees (UNHCR), Banja Luka is "the worst place in Bosnia in terms of human rights abuses."[1]

The city is located in northwestern Bosnia, an area of strategic importance to the Bosnian Serb forces. There, for the past two years, non-Serbs have been "cleansed" through systematic persecution that includes torture, murder, rape, beatings, harassment, *de jure* discrimination, intimidation, expulsion from homes, confiscation of property, bombing of

[1] Kris Janowski, spokesperson for UNHCR in Sarajevo, as quoted by Chuck Sudetic, "U.N. Bosnian Serbs Press 'Ethnic Cleansing,'" *The New York Times*, March 19, 1994.

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businesses, dismissal from work, outlawing of all scripts except the Cyrillic in public institutions[2], and the destruction of cultural objects such as mosques and Catholic churches.

Yet, in Banja Luka, where war crimes are so virulent and pervasive, there is no war. The systematic persecution of Muslims, Croats, Romas (Gypsies) and others has taken place and continues although Bosnian Serbs already control the area absolutely; indeed, the sweeping, institutional nature of the "cleansing" would not be possible without such control. Although this report deals with the Banja Luka municipality, the abuses taking place in Banja Luka are similar or identical to abuses perpetrated against non-Serbs throughout Bosnian Serb-held areas of northern Bosnia.

Conditions in Banja Luka and other areas of the northwestern Bosanska Krajina region provide a powerful counterweight to the argument put forth by high-ranking U.N. officials and other international leaders, who appear to be neglecting current human rights abuses in Bosnia in the interests of reaching an overall peace accord. Propounding that argument, the official U.S. State Department spokesperson noted recently:

> We have said for some time that we have credible information that ethnic cleansing is taking place in Banja Luka. The violence will not end until the war ends, that is why we are working so hard to bring about an overall settlement.[3]

Human Rights Watch/Helsinki considers that approach seriously misguided. As the events in Banja Luka make clear, the most savage and institutionalized "ethnic cleansing" is taking place in areas where there is no fighting, where the Bosnian Serbs have political and military control and would most likely maintain it under any territorial settlement. **There is absolutely no reason, then, to believe that the expulsion of minority populations will stop once a peace accord is signed.** To achieve a peace that actually ends violence against civilians in Banja Luka — and other areas not directly affected by fighting — it will not be enough to agree on boundaries. Any meaningful peace agreement must contain guarantees of the rights of those who have remained behind in areas under "ethnic cleansing" and of those who wish to return.

By expelling the non-Serb population from Bosanska Krajina, Serbian authorities consolidate political power and territorial control over an area that links Serbian-controlled territories in Croatia and western Bosnia with those in eastern Bosnia and Serbia proper. Rather than pressuring Bosnian Serb authorities to stop the abuses and repatriate those who have been expelled from their homes, the international community has tacitly accepted the expulsion of non-Serbs from Banja Luka and the rest of Bosanska Krajina as a *fait accompli*. Despite numerous Security Council resolutions demanding an end to "ethnic cleansing," there are no prominent voices pressing for Serb compliance. Instead, world leaders emphasize the need for humanitarian relief, conveniently ignoring the adverse conditions and attacks against

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[2] Prior to the war, both the Cyrillic and Latin alphabets were used in Bosnia-Hercegovina.

[3] Michael McCurry, spokesperson for the United States Department of State, as quoted by John Kifner, "In Northern Bosnia, a Rising Tide of Serbian Violence," *The New York Times*, March 27, 1994.

relief workers that make the delivery of humanitarian aid difficult.[4] This indifference to ongoing human rights abuses has allowed Serbian forces to accelerate their campaign of "ethnic cleansing" in areas that are under their control and removed from the public eye.

The abuses occurring in the Banja Luka municipality also constitute war crimes and crimes against humanity, as that term was defined at the Nuremberg trials and within the meaning of customary international law. These crimes may also amount to genocide insofar as Serbian authorities in Banja Luka are committing widespread murder and acts of violence because of the victims' race, religion or ethnicity.[5]

The failure of the U.N. and its member states to act against "ethnic cleansing" in Serbian-controlled territory leaves the UNHCR, the International Committee of the Red Cross (ICRC) and other relief workers facing a politically and morally sensitive dilemma: either evacuate the terrorized non-Serbian population, thereby abetting the Serbian campaign of "ethnic cleansing," or stand by, powerless witnesses to persecution. Reluctantly, the relief agencies have engaged in protective evacuation, beginning in the summer of 1992, when thousands of prisoners from the notorious Omarska, Manjača and Keraterm detention camps were released by Serbian authorities and evacuated, together with their families, by the UNHCR and the ICRC.[6] In recent weeks, the vast majority of the evacuations are initiated by non-Serbs who fear for their lives in Banja Luka. These evacuations usually are organized and facilitated by the Bosnian Serb authorities, and UNHCR officials wait at the Bosnian-Croat border to accept the incoming refugees into Croatia.

In recent months, the UNHCR and the ICRC have been busing approximately sixty people per week from the Bosanska Krajina region. According to the UNHCR officers, between May 28 and June 14, 1994, over 1,000 people have been evacuated from Banja Luka. More

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[4] UNHCR and the International Committee of the Red Cross (ICRC) personnel and other humanitarian operations have themselves been subject to Serbian threats and harassment in the Banja Luka area. The UNHCR office has been evacuated three times following threats to security. As of mid-June 1994, UNHCR does not maintain foreign staff in Banja Luka. In January 1994, a hand grenade was thrown at a local ICRC staff member, wounding him and thereby prompting his evacuation from the city. In March 1994, Bosnian Serb military leaders refused to allow three UNHCR workers to leave Bosnian Serb-held territory, effectively holding them as hostages in Banja Luka as reprisal for NATO's threat of air strikes against Serbian gun positions around Sarajevo.

[5] For a discussion of the 1948 Genocide Convention on the Prevention and Punishment of the Crime of Genocide and its relation to the abuses taking place in the former Yugoslavia, see Human Rights Watch/Helsinki, *War Crimes in Bosnia-Hercegovina, Volume I* (New York: Human Rights Watch, August 1992), pp.1-2.

[6] For an account of abuses perpetrated within the Bosnian Serb-operated detention camps, see Human Rights Watch/Helsinki, *War Crimes in Bosnia-Hercegovina, Volume II* (New York: Human Rights Watch, April 1993), pp. 84-187.

striking still, for the first time in the two-year-old war, the damages and terror of "ethnic cleansing" are prompting entire villages to seek evacuation by the U.N.[7]

Human Rights Watch/Helsinki does not take a position on the recent cease-fire or the territorial dispute that is the subject of ongoing negotiations for a peace accord in Bosnia-Hercegovina. We do, however, note that the consistent failure of the U.N. and its member states to demand enforcement of U.N. Security Council resolutions that call for an end to "ethnic cleansing" has permitted abuses to continue, and that in the logic of the genocide underway, U.N. agencies in northwestern Bosnia are now in the unhappy position of facilitating the Serbs' work for them, clearing non-Serbs from Serb-controlled areas. Unless immediate steps are taken to protect non-Serbs in northern Bosnia, the few who remain will either be killed or expelled.

We do not believe that a purely territorial peace agreement will affect this situation in Banja Luka and northern Bosnia, and call upon the U.N. Security Council, high-ranking officials of the UN Protection Force (UNPROFOR), and U.N. member states to take immediate measures to:

- Prevent and suppress abuses against non-Serbs in Banja Luka and in other Serbian-controlled areas of Bosnia-Hercegovina and Croatia, as required of all signatories to the Genocide Convention.

- Demand that Bosnian Serb officials cease to tolerate attacks and other intimidation against international and local relief workers who seek to protect civilian populations from harm by military, paramilitary, police and civilian authorities and individual extremists and deploy observers to monitor and ensure compliance with these demands.

- Ensure that any agreement made with any of the parties to the conflict in Bosnia-Hercegovina guarantees the right to repatriation of survivors of "ethnic cleansing" and the full protection of the rights of all inhabitants of both current war zones and areas like Banja Luka, where there has been no armed conflict.

- Proceed, at long last, to appoint a war crimes prosecutor and begin trials of alleged war criminals by the U.N. war crimes tribunal on the former Yugoslavia that has been established in the Hague.

This report is based on interviews conducted by Human Rights Watch/Helsinki representatives in February and May 1994 in Croatia. Our sources are refugees and displaced persons from the Banja Luka municipality who sought refuge from persecution, and U.N.

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[7] "Three villages near Prijedor — two Muslim and one Gypsy — with a collective population of nearly 1,000 have approached the UNHCR office in Banja Luka to request evacuation. In addition, the chief Muslim relief agency there, Merhamet, has warned that the last 6,000 to 7,000 Muslims living around Prijedor are on the point of making the same request." David Ottoway, "Muslim, Gypsy Villages Seek to Quit Serb Areas," *The Washington Post*, March 19, 1994.

personnel. The report is part of an ongoing project of documenting war crimes by all sides in the former Yugoslavia.[8]

Background

Although the city of Banja Luka has long had a Serbian majority, many of the surrounding towns and villages were predominantly Muslim.[9] Before the outbreak of war in April 1992, the Banja Luka municipality had a population of 195,139, of which 54.8 percent, or 106,878, were Serbs; 14.9 percent, or 29,033, were Croats; 14.6 percent, or 28, 550, were Muslims; and 15.7 percent, or 30,678, were Yugoslavs, Romas and others. Prior to the war, approximately 550,000 Muslims and Croats lived in the Bosanska Krajina, or northwestern, region of Bosnia. U.N. officials estimate that fewer than 50,000 Muslims and Croats remain in the region, while the Serbian population has risen from 625,000 to 875,000 since 1991.[10]

Banja Luka has long been the site of a major military complex that was originally maintained by the Yugoslav People's Army (Jugoslavenska Narodna Armija — JNA) prior to the dissolution of the former Socialist Federal Republic of Yugoslavia (SFRY). Serbian authorities in Banja Luka retained most of the arms and equipment left behind by the JNA after its nominal withdrawal from Bosnia-Hercegovina in May 1992. Also, most goods sent from Serbia proper to Serbian-controlled territories in northern Bosnia and in Croatia transit through Banja Luka. Because of its military and economic importance, Banja Luka is closely allied with the "Republika Srpska Krajina," the self-proclaimed Serbian state in Croatia. The self-proclaimed Serbian states in Croatia and Bosnia are seeking integration into a greater Serb state that would link them to Serbia proper. The Krajina Serbs receive economic and military support from the Serbs in Banja Luka, which is the most prosperous area in northwestern Bosnia.[11]

Virtually every witness interviewed by Human Rights Watch/Helsinki claims that, since the early stages of the war, the Banja Luka area has been controlled by four men, or "the Gang of Four," as they are referred to by some:[12] Radoslav Brdjanin, the current director of TV Banja Luka and an official of the "government" of the "Srpska Republika", the self-proclaimed Bosnian Serb state within Bosnia-Hercegovina; Vojislav "Vojo" Kupreŝanin, whose bodyguards

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[8] This effort includes a two-volume report and subsequent newsletters based on interviews with displaced persons, refugees, medical and relief personnel, journalists, lawyers, combatants, and civilian and military representatives of the parties to the conflict.

[9] Chuck Sudetic, "In Bosnia Again, A Grim 'Ethnic Cleansing'," *The New York Times*, February 17, 1994.

[10] Chuck Sudetic, "Serbs Pressing Ouster of Foes from Bosnia," *The New York Times*, June 16, 1994.

[11] Nenad Zafirović, "'Republika Srpska,'" *Balkan War Report* (London), August/September 1993. This article was written by a journalist for Radio B-92, a Belgrade-based independent radio station, after he visited the Banja Luka region in 1993.

[12] *Ibid.*

are believed to have been responsible for the destruction of mosques in the region; Radislav Vukić, a doctor alleged to have played a role in organizing the "ethnic cleansing"[13] of non-Serbs from the Banja Luka area; and Predrag Radić, the mayor of Banja Luka. Under this regime, non-Serbs in Banja Luka have been subject to an extreme policy of "ethnic cleansing." According to Louis Gentile, a UNHCR representative working in the Banja Luka region:

> There are still tens of thousands of Muslims and Croats who have been unable, in some cases unwilling, to escape the region. For those who remain here, for whatever reason, severe persecution has become a way of life. Minorities have been systematically stripped of all civil rights: they have been dismissed from work, evicted from apartments and family homes, and forced to perform work obligations in the front-line areas in clear violation of the Geneva Conventions, solely because they are the "wrong kind." But that is not the worst of it. The terror continues, terror of attacks by armed men at night, rape and murder.[14]

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[13] The main objective of "ethnic cleansing" is the removal of an ethnic group(s) from a given area through murder and forced displacement. Forced displacement is itself a violation of international humanitarian law (the laws of war). Article 49 of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War of August 12, 1949, [hereinafter Fourth Geneva Convention] states:

> Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the occupying power or to that of any other country, occupied or not, are prohibited, regardless of motive.

There are only two exceptions to the prohibition on displacement, for war-related reasons, of civilians: for their security or for imperative military reasons. "Imperative military reasons" require "the most meticulous assessment of the circumstances" because such reasons are so capable of abuse. One authority has stated:

> Clearly, the imperative military reasons cannot be justified by political motives. For example, it would be prohibited to move a population in order to exercise more effective control over a dissident group.

International Committee of the Red Cross, *Commentary on the Additional Protocols of 8 June 1977 to the Geneva Conventions of 12 August 1949*, (Geneva: Martinus Nijhoff Publishers, 1987) at 1472 [hereinafter *1977 ICRC Commentary*].

Mass relocation or capture of civilians for the purpose of changing the ethnic composition of territory, in order to justify later annexation, is a political, not a military, move and does not qualify as an "imperative military reason." Destruction of civilian homes as a means to force those civilians to move is as illegal as a direct order to move.

International humanitarian law distinguishes between international and non-international (internal) armed conflict. Because of the direct involvement of forces from the Serbian and Croatian governments and the Yugoslav People's Army (Jugoslavenska Narodna Armija — JNA) in Bosnia-Hercegovina, Human Rights Watch/Helsinki has treated the conflict as international in character, therefore allowing for the applicability of humanitarian law governing such conflicts (i.e., the 1949 Geneva Conventions and the First Protocol Additional to the Geneva Conventions). Although JNA troops and forces belonging to the Serbian and Croatian governments have nominally withdrawn from Bosnia-Hercegovina, the direct military, economic and political aid provided by these governments to their surrogate forces in Bosnia-Hercegovina continues to make them parties to the conflict.

[14] Louis Gentile, former head of the UNHCR office in Banja Luka, "In Banja Luka Terror Seems Uncannily Normal," Letter to the Editor, *The New York Times*, January 14, 1994.

Terror and Physical Violence

Bosnian Serb forces and armed extremists in Banja Luka have terrorized the non-Serbian population, using physical violence against individual persons and entire villages. Local municipal authorities have done nothing to stop or punish such acts of violence; rather they appear to condone and sanction such behavior as Bosnian Serb forces are allowed to murder Muslims, Croats and other non-Serbs with impunity. Non-Serbian property, including entire villages, have been destroyed. The use of such violence has frightened many non-Serbs into flight.

Z.S.,[15] a twenty-one-year-old Croat, recounted his experience with Bosnian Serb extremists:

> On the night of January 30/31, 1994, about midnight, someone rang my doorbell. My pregnant wife [who is twenty years old] and I were alone in the house. As I opened the door, one of them hit me on the head with a rifle butt. I managed to scream to my wife to run. She jumped out of the window. One of the soldiers fired a volley of bullets after her but missed.
>
> They cursed me and threw me on the floor. They found a knife and a hammer in the house. They made me lie on my stomach with my arms expanded and hammered on my fingers. They smashed my fingers with a hammer and destroyed a knuckle on my right-hand middle finger.[16] They used a kitchen knife to carve my face.[17] They cut the muscle on my right calf and my chest.[18] They hit me six times with a crowbar over the head.
>
> I recognized one of them — Goran Mandić from Banja Luka. I am not sure who the others were, or even how many of them were there, because my eyes were filled with blood. They wanted money and they dragged me from room to room beating me and demanding that I give them money. I had none to give them. Our Serbian neighbor, O.R., saved me: when he heard my screams, he ran over to the house with a gun. They jumped out of the window. I turned to look at them and the last one to go fired several bullets at me but missed.
>
> My neighbor saved my life. He took me to the hospital. They stitched me up but didn't let me stay overnight and asked for 800 German Marks [approximately US $500]. Later I got proper treatment by the ICRC doctors.

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[15] Interviewed by Human Rights Watch/Helsinki representatives on May 14, 1994, in Croatia.

[16] He showed X-rays of both hands, including a smashed knuckle, to a Human Rights Watch/Helsinki representative. The damage to his hands was evident.

[17] The witness had an asterisk-shaped scar on his right cheek and several scars elsewhere on his face.

[18] The witness showed his scars to the Human Rights Watch/Helsinki representative.

T.L., a sixty-three-year-old man, was beaten when extremists came to rob him. According to T.L.:[19]

> On February 5, 1994, at about 3:45 P.M., someone rang our door bell. I went out to open the door. Two men stood outside, one in plain clothes and the other in a military uniform. They asked me if I knew of any empty apartments in the neighborhood. As I said that I didn't know of any, one said to the other: "Will we, or not?" They asked for a glass of water. As I turned towards the kitchen, one put a knife under my throat and pushed me down on the bed. They both beat me with hands and rifle butts for several minutes. I fell on the ground and they continued to beat and kick me. I saw a flash of a bayonet and instinctively grabbed it with my bare hand. It almost cut my fingers off. [The witness showed a scar on his hand.] They cut me over the head with the bayonet and beat me. I couldn't see anything; my eyes were filled with blood that streamed from my head. When they saw my wife in the yard, they got her and dragged her into the house.

T.L.'s wife, B., recounted her experience:

> They dragged me in and told me not to speak. I asked what they did to my husband. At that point, they started beating and choking me. They pulled my earrings off and stepped all over my chest and hands. They searched the whole house. When they saw that we had no money, they tied us up with wire, locked the house and left. When we regained consciousness, we jumped out through the window and went to my mother's house.
>
> We were taken to the hospital in very serious condition. My husband had a concussion, three broken ribs, a dislocated shoulder, broken facial bones and many cuts over his head. For the one night that he spent in the hospital, they charged us 130 German marks [approximately US $80].[20] They threw him out in the morning saying that they do not need a Balija[21] in there. The soldiers returned later that night for our television set, video-cassette recorder, etc. Almost all Muslim and Croat families had similar experiences.
>
> We stayed at my mother's house. She is eighty-one years old and is almost completely blind and deaf. Since the beginning of the year, they shot at her house several times. Most of the windows were broken, so we used cardboard for windows and a wooden board instead of the main door. We didn't leave the house for over a month.

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[19] Interviewed by Human Rights Watch/Helsinki representatives on May 13, 1994, in Croatia.

[20] The average salary in the Banja Luka area is approximately US $20 per month.

[21] "Balija" is a derogatory term used to describe Muslims.

> On April 16, at 4:55 A.M., they came again, armed with steel rods. They broke the wooden shutters and smashed the window over my mother's bed. She was cut very badly. The neighbor called the military police who saved us at the last moment — they would have chopped us up if they entered into the house.

Fifty-nine-year-old J.N. from Banja Luka also was beaten by men in military uniforms who tried to rob him. According to J.N.:[22]

> On January 19, [1994] at about 8:00 P.M., six men — some in plain clothes and others in military uniforms — came to my house and attacked us. They broke in through the front door. They beat me with a branch from a tree in my garden. My sixteen-year-old daughter tried to help me and they hit her too and broke three of her fingers. One of them held me by the neck, while the others continued to kick and beat me with that branch and rifle butts until they got tired. There was blood everywhere. When they finished, they told us not to move and they looted the house. First they beat us, and then they asked for the money.
>
> My wife came home and called the ambulance. They refused to come. The police arrived half an hour later and they called the ambulance. I didn't have any broken bones, but I had stitches on my head. I couldn't get out of bed for forty-five days. I still have health problems — unstable blood pressure and my hearing and sight have deteriorated.

On December 29, 1993, in the Banja Luka suburb of Vrbanja, four armed men — two of whom were wearing uniforms — entered the home of a couple, fifty-eight-year-old Alija Karat and his fifty-four-year-old wife, Senija Karat. The man was shot in the head and killed, his wife was shot in the hand and then beaten to death with a blunt instrument.[23] As the murderers were walking out of the house carrying a television set, a sixty-nine-year-old Muslim neighbor approached. His brother,[24] fifty-two, explained what happened:

> My brother heard [Senija Karat's] screams and ran towards their house to help. When they saw him, they shot and killed him on the spot. His body was lying in the street for six hours before the police arrived. I demanded an autopsy. Investigative judge Džudžić said that he would order an autopsy, but that we would have to pay for the transport of the body and for the whole procedure. I couldn't afford that.

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[22] Interviewed by Human Rights Watch/Helsinki representatives on May 13, 1994, in Croatia.

[23] Gentile, "In Banja Luka, Terror Seems Uncannily Normal," and Kifner, "In Northern Bosnia, a Rising Tide of Serbian Violence."

[24] Interviewed by Human Rights Watch/Helsinki representatives on May 13, 1994, in Croatia.

On the next day, Serbs moved into my brother's house and put up a Serbian flag. His wife and we were hiding in our friends' and relatives' houses for the next few months, until we were evacuated to Croatia.

R.,[25] a forty-two-year-old male from Vrbanja, described how his friends were murdered and how his family survived almost three years of racial violence:

> Even though all our documents were completely legitimate and in order, my wife, my four children and I lived through three years of terror. Fifteen of my close friends were murdered while I was rounded up by the Serbs and forced to perform hard labor for almost two years. All this happened since the new year of 1992. When I came back this summer, two of my close friends — Ilijas Hadžić and Denijal Hadžić — and their families and children were killed ... [26] My friend Besin Muharemović [also was killed] in Vrbas. Although I didn't see Besin murdered, ... I was the one who had to take his body off the street. He was cut open from throat to stomach, his lips were cut off, and his fingers and hands were carved up.
>
> When three men attacked my wife one night in January while she was working outside in the yard, I knew it was time to leave Banja Luka. They hit her over the head with a wooden beam and cracked her skull. My son had to drag her into the house since I could not come outside. I couldn't even help my wife because, like all the rest of the Muslims and Croats, I was hiding in the woods and sometimes at home in order to avoid getting rounded up for forced labor or military service. Later, my sixteen-year-old son was attacked by a gang of Serbian children. They were literally kids in the sixth, seventh and eighth grades running around with guns. We recognized one of them — his nickname was "Burgija" ["the Drill"]. Luckily, my son was only beaten. These kids murdered Fikret Puškar, a fifty-four-year-old man, in broad daylight, at twelve o'clock in the afternoon as he was walking out of his house to go and pray at the mosque. I saw it. I don't know what happened to his wife and two children. Muslims and Croats were terrorized to such a degree that sometimes you didn't see your neighbor who lived twenty meters away for months at a time. Everyone stayed out of sight. But we always wanted to stay, thinking things would get better eventually. After my wife was attacked by those animals, I saw what this "Serbian democracy" was all about.

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[25] Interviewed by Human Rights Watch/Helsinki representatives on May 13, 1994, in Croatia.

[26] Although R. did not witness the massacre, he saw his friends' corpses soon after. It was widely reported throughout Banja Luka that the man responsible for the murder was M.T. Several refugees interviewed by Human Rights Watch/Helsinki mentioned his name in connection with this same massacre. Human Rights Watch/Helsinki was not able to confirm this information.

I.T., a married woman with two children who lived in Vrbanja,[27] reported a similar incident:

> After the attack on our house, our neighbor Beško was killed in July — the same month two other women were killed. Beško didn't want to give up his car [to the Serbian authorities] so Serbian soldiers came in the middle of the day and killed him. The neighbors saw it all happening and they saw the men who did it; they were wearing Serbian Army uniforms. Two women — A. and I. Hodžić — who were sisters-in-law were killed in the afternoon, around five o'clock. My husband recognized the attackers and he gave a statement about it. The police did nothing about these cases. Every night soldiers came into Vrbanja, shooting, attacking and robbing all the houses; everyone was afraid for their own lives.

J.J.,[28] a twenty-three-year-old resident of Volari, described the events that unfolded in his village after he was finally released from a detention camp for refusing to serve in the JNA. According to J.J.:

> In August of 1993, the Serbs launched an intensive attack on our village of Volari. There were about 150 houses in the village, mostly Muslim, except for a few Serbian homes. They started to shoot at the village from the nearby hills using rocket-propelled grenade launchers and guns. [The attack] would start as soon as it got dark, and it would last all night long. Shortly after, Serbian soldiers came into the village and killed my cousin Emin Curić and his parents in front of their house. They came, took them out of the house and shot them. They didn't try to hide it because they wanted to create an atmosphere of fear. After a few days, another group of soldiers came back and threw grenades into Jusuf Košmić's restaurant "Bife Borik." The house burned, but he escaped.
>
> After similar incidents continued, about 400 to 500 of us decided to escape to Šipovo; many of our people were forced to leave for Travnik in 1992. Within a few days, they [i.e., Serbian forces or extremists] burned down about fifty houses and stole whatever they could; we were watching from Šipovo. We saw Serbian civilians and soldiers entering the village with trucks and cars, and loading everything they could into them. We called the police, but they told us that they couldn't do anything to help us.

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[27] Interviewed by Human Rights Watch/Helsinki representatives on February 27 and 28, 1994, in Croatia.

[28] Interviewed by Human Rights Watch/Helsinki representatives on February 27 and 28, 1994, in Croatia.

C.,[29] a sixty-eight-year-old farmer from Bronzani Majdan, described how two Serbs named Bošnjak and Zvjerac from Slavička started coming to his house and telling him that it would be better for his family and himself to leave the area. Shortly thereafter, C.'s village suffered the same fate as the nearby village of Volari:

> On the twenty-fourth day of Ramadan[30] in 1993, the Serbs started to shell our village. They attacked houses with rocket-propelled grenade launchers and mortars every evening. Then, in August or September, they expelled Croats from their village in Siratinska Gunja, three kilometers from us. All inhabitants of the village had to leave.

K.,[31] a twenty-year-old nurse and mother who was dismissed from her job in 1991 in Banja Luka, described how traumatic each night was for her family while she lived in Bronzani Majdan. K. recounted:

> Serbs would come into the village and shoot at the houses as soon as it would become dark. They shot at the house with armor-piercing shells. We slept completely dressed all the time because we often had to escape from the house at night.

J.M.,[32] from the village of Barlovci, gave a similar account:

> Every night we would hear detonations and then in the morning we would find out which Croat house was blown up the night before. The Serbian soldiers would come into the village and shoot at the houses and attack them. Serbs would come every night and attack the houses in order to steal. Usually local Serbs, neighbors, do it, and they bring Serbian army soldiers with them.

N.N.,[33] a twenty-three-year-old bricklayer from the village of Kuljani who was dismissed from his job in May 1991, noted that Serbs systematically dynamited, raided, and gutted non-

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[29] Interviewed by Human Rights Watch/Helsinki representatives on February 27 and 28, 1994, in Croatia.

[30] Ramadan is the ninth month of the Islamic calendar during which the Holy Qur'an was revealed. A fast is observed by all members of the community for twenty-nine or thirty days in order to develop and foster self control and discipline, consequently minimizing the chances of committing sins. Eid ul'Fitr marks the end of the fast and is celebrated with a congregational prayer and a feast.

[31] Interviewed by Human Rights Watch/Helsinki representatives on February 27 and 28, 1994, in Croatia.

[32] Interviewed by Human Rights Watch/Helsinki representatives on February 27 and 28, 1994, in Croatia.

[33] Interviewed by Human Rights Watch/Helsinki representatives on February 27 and 28, 1994, in Croatia.

Serbian houses. N.N. stated that out of 180 houses in his village, more than 120 were attacked by the Serbian forces in some way.

Several former residents from the Banja Luka area identified men in a red truck who frequently terrorized the city's residents. According to H.N., a Serbian woman who left Banja Luka with her Muslim husband:[34]

> Fifteen to twenty uniformed men in a red truck drive around the city and wreak havoc. We saw them every day. They grab someone off the street, put him in the truck and beat him — you can hear the screams from inside the truck. Sometimes they beat him on the street.

H.N. also witnessed the beating of civilians by the Bosnian Serb police on a Banja Luka street. According to H.N.:

> I saw a patrol of four police officers stop a middle-aged man on the street and ask him for something. I don't know what they asked him for but he kept saying, "I don't have it." He eventually turned his back and started to walk away and then the police officers shot in the air, went after him and beat him severely. This happened during the summer of 1993.

Rape

Serbian soldiers attacking houses in the Banja Luka area have raped women and girls in their homes, and sometimes in the presence of family members.[35] In most cases, the women

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[34] Interviewed by Human Rights Watch/Helsinki representatives on May 13, 1994, in Croatia.

[35] Rape and sexual abuse constitute violations of international human rights standards and humanitarian law. Article 147 of the Fourth Geneva Convention specifies that "torture or inhuman treatment" and "wilfully causing great suffering or serious injury to body or health" are "grave breaches" and hence actionable war crimes. The *1977 ICRC Commentary* explains that "'inhuman treatment' ... does not mean only physical injury or injury to health. Certain measures ... which caused grave injury to [a person's] human dignity, could conceivably be considered as inhuman treatment." The *1977 ICRC Commentary* also notes that the scope of the phrase "wilfully causing great suffering" can encompass "punishment, in revenge or for some other motive, perhaps out of pure sadism ... [that] can quite legitimately be held to cover moral suffering also." (*1977 ICRC Commentary* at 598-99.) Since in the view of the ICRC "moral suffering" is covered by "inhuman treatment," it follows that rape is covered also. Moreover, Article 27 of the Fourth Geneva Convention calls for the protection of women "against any attack on their honor, in particular against rape, enforced prostitution, or any form of indecent assault." Further, Article 76 (1) of Protocol I states that women "shall be protected in particular against rape, forced prostitution and any other form of indecent assault." This language makes it clear that rape constitutes both a grave breach of the Convention and a violation of several explicit prohibitions.

In addition, under Article 85 (4) (c) of Protocol I, "Inhuman and degrading practices involving outrages upon personal dignity, based on racial discrimination" — a provision that almost certainly applies in many particular instances, given the ethnic character of this conflict — are also "grave breaches" and

and girls are raped to intimidate, humiliate and degrade them and others affected by their suffering. The effect of rape is often to ensure that women and their families will flee and never return.

Human Rights Watch/Helsinki has found no evidence to indicate that any Serbian soldier or a member of a paramilitary group has been punished or held to account for raping women and girls in the Banja Luka area. To the contrary, soldiers often rape without regard for witnesses. These are not the actions of men who fear retribution.

I.T.,[36] a married woman with two children, describes how she was raped:

> On the third of May 1993, a group of Serbs came to our house; they all wore uniforms of the Serbian Army. I was on the second floor when they surrounded the house, broke the main entrance and came upstairs. I was in the bedroom with my children and our neighbors — a husband, his wife and their daughter. The Serbs wore black ski masks which covered their faces, but in spite of that, I recognized Mišo Trivić, our neighbor who was in the Serbian Army; he used to come into the shop where I worked for many years. They [the soldiers] told us to lie down on the floor, after which they covered us with blankets. Mišo asked me to give him our money. I told him we had 1,400 German marks [approximately US $875] and I brought it to him. He cursed me all the time. Then he told me to bring my gold jewelry. I told him it was in the kitchen, and he sent one soldier downstairs while he and the other men remained upstairs.
>
> Then Trivić and three other soldiers took me into the living room and raped me there. The name of the second man was Siniša Milovčić; the third man I didn't

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hence judicially actionable war crimes. Article 86 (2) of Protocol I makes commanders who had information about such crimes punishable themselves "if they did not take all feasible measures within their power to prevent or suppress" a grave breach.

Finally, rape —like murder, extermination, deportation and other equally serious crimes —can be a constituent crime against humanity, as that term was defined in the Nuremberg Trial and in Article 6 (c) of the Nuremberg Charter, provided that it is part of a mass pattern of such crimes and other definitional elements are met. (For the opinion of Human Rights Watch as to the definitional elements of crimes against humanity *see* Middle East Watch/Physicians for Human Rights, *The Anfal Campaign in Iraqi Kurdistan: The Destruction Of Koreme*, (New York: Human Rights Watch, January 1993) Appendix 5.) Rape was specifically enumerated in the second set of Nuremberg war crimes trials, conducted under the authority of Control Council Law No. 10, which named with greater specificity the constituent crimes falling within crimes against humanity. (*See* generally, Diane Orentlicher, "Settling Accounts: The Duty to Prosecute Human Rights Violations of a Prior Regime," 100 *Yale L.J.* 2537 (1991).)

Rape can also be one of the crimes used as a means of carrying out genocide, although rape does not by itself constitute genocide, even when committed on a mass basis.

The status of rape as a war crime in international humanitarian law and the ability to prosecute it are accordingly not at issue.

[36] Interviewed by Human Rights Watch/Helsinki representatives on February 27 and 28, 1994, in Croatia.

know. The fourth man left the room; he didn't rape me. My neighbor was raped too. My husband and children were in the adjoining room while all this was happening. Before they left, Trivić said that he'd take my son if I didn't pay him another 5,000 German marks [approximately US $3,125], and hit him a few times. They took all our documents — driver's license, passports, everything.

The next morning our neighbor, S.N., went to the ICRC to tell them what had happened. Two police inspectors came the next morning to take our statements. But nothing was done until August, when the same men who attacked and raped us did the same thing to another girl in Vrbanja whose surname was Hodžić; after raping her, they killed her. But after that, they raped and killed a daughter of some Serbian general from Banja Luka; she was thirteen years old. The mother of the girl who was killed told me that the Serbian general visited her and said that the men will be caught.

In Šeher, a Banja Luka suburb, a Croat woman was grabbed from the street in broad daylight and raped, beaten and strangled by a gang of Serb men, said Joran Bjallerstedt, a UNHCR protection officer.[37] U.N. reports also state that a thirty-four-year-old woman was sexually abused in her house by two uniformed men, while her ten-year-old daughter was forced to watch them rape her twice. Also reported in U.N. field reports was an incident of an eighteen-year-old girl who was raped in her house because her parents didn't have money to give to men dressed in military uniforms.

Destruction and Pillage of Non-Serb Villages and Cultural Objects[38]

The destruction and looting of Muslim and Croat cultural and religious objects in the Banja Luka area has been public and systematic. Villages have been raided, pillaged and burned. Those villages that have not been destroyed but from which Muslims, Croats and Romas have been expelled have been repopulated by Serbs.[39] Centuries-old religious and cultural institutions belonging to the Muslim, Catholic and Croat communities also have been intentionally destroyed or damaged by the Bosnian Serb authorities or armed forces.

Prior to the war, 202 mosques stood in the Banja Luka area; now only two remain. Between April and September 1993, six sixteenth-century and seven seventeenth-century

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[37] John Pomfret, "Misery for Muslims and Croats in Bosnia," *The Washington Post*, March 27, 1994, and David Ottoway, "Muslim, Gypsy Villages Seek to Quit Serb Areas."

[38] According to Article 147 of the Fourth Geneva Convention, "Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly" is considered a "grave breach" of the Geneva Conventions of 1949.

[39] See following section regarding evictions from homes and seizure of property.

mosques were destroyed in and around Banja Luka.[40] Of the Roman Catholic churches and ecclesiastical buildings in the diocese of Banja Luka, over 50 percent have been destroyed, 21 percent have been heavily damaged and 25 percent have been partially damaged.[41] An increasing number of Catholic graveyards are also being plundered. When the remains of two mosques and two Muslim cemeteries were blown up and bulldozers were sent to desecrate and remove the debris, several UNHCR staff persons were arrested and temporarily detained by the Bosnian Serb police for attempting to investigate and stop the desecration.[42] The U.N. reported that Vitomir Popović, the "vice-president" of the Banja Luka municipality, told a local newspaper that the mosques were cleared because it was the only way "to teach minorities to respect Serb law."[43]

Mosques and, to a lesser extent, Catholic churches have been bulldozed in city centers during daylight hours. Such public displays of destruction suggest that local and regional Bosnian Serb authorities issued orders or organized or condoned efforts to destroy Muslim and Croatian cultural and religious institutions. Human Rights Watch/Helsinki knows of no case in which Serbian authorities have made even a half-hearted effort to arrest those guilty of such destruction in the Banja Luka region.

T.L., a fifty-eight-year-old driver from Rotas,[44] described how his property was destroyed during the summer of 1993:

> My [four] children left in March 1992 because they didn't want to be drafted in the Četnik[45] army. I stayed alone in the house in order to save our real estate, but it was all in vain. In the summer of 1993, at the end of August, someone torched all my hay and the food for our livestock. Men in uniform stole my

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[40] The Ferhad Paša mosque, a UNESCO-designated cultural sight of symbolic and cultural significance, was one of the sixteenth-century mosques destroyed in Banja Luka.

[41] This information is taken from a report filed by international field personnel in the Banja Luka area in December 1993.

[42] Gentile, "In Banja Luka, Terror Seems Uncannily Normal."

[43] Chuck Sudetic, "U.N. Says 'Ethnic Cleansing' by Serbs Intensifies," *The New York Times*, January 30, 1994.

[44] Interviewed by Human Rights Watch/Helsinki representatives on February 27 and 28, 1994 in Croatia.

[45] During World War II, Serbs loyal to the Serbian king fought against the Croatian fascists known as Ustašas, Tito's communist Partisans, and at times with and against the Nazis. These forces, led by Draža Mihajlović, were known as Četniks and had a reputation for brutality. The also led a massive campaign of massacring Muslims in parts of Bosnia-Hercegovina. Serbian military and paramilitary forces fighting in Bosnia-Hercegovina and Croatia today are commonly referred to as Četniks by Muslims and Croats. Although some Serbs reject the term, finding it derogatory, others openly refer to themselves as Četniks.

tractor and all my machinery. I didn't go to the police station because they helped organize such things. One week later, four Serbs — neighbors who were in the Serbian Army — came and forced their way into my garage in front of everybody. They took my car, and then came into my house and stole whatever they wanted. Their names were Tomić, Kajkut, Stanković and Popović. On the tenth of October 1993, they put explosives under the stairs of the second floor of my house, destroying part of my house. I was on the first floor at the time.

"Institutionalized" Expulsions

The expulsions of non-Serbs from the Banja Luka area is a policy implemented and carried out by the municipal Bosnian Serb authorities. The establishment of bureaucratic institutions to facilitate the expulsions, and public proclamations officially relegating non-Serbs to second-class status,[**] point to the planned and systematic approach toward "ethnic cleansing" in the region.

[**] Members of Banja Luka's city council who had been expelled at the onset of the war in Bosnia-Hercegovina and Bosnian government sources claim that on August 27, 1992 at 8:30 P.M., Banja Luka Television aired an interview with local leaders of the Serbian Democratic Party (Srpska Demokratska Stranka — SDS) who they claim are responsible for much of the "ethnic cleansing" in Banja Luka. According to this information, Radoslav Brdjanin, a General Subotić and a Dr. Milanović proceeded to set forth new rules and conditions which were directed at all non-Serbs living in the Banja Luka region. The following points reportedly were made during the television program:

- Muslims and Croats must not only leave their jobs and companies but Banja Luka itself as soon as possible. At most, only 1,000 to 2,000 Muslims loyal to the Serbian government may remain in Banja Luka.
- All private businesses owned by Muslims and Croats will be seized and placed at the disposal of Serbs returning from the front.
- Croats and Muslims who fail to respond to calls for mobilization will be forced to carry out menial jobs such as cleaning streets and sewers, digging graves, and other similar chores. Thus, county-run businesses [such as the sanitation department] will be shut down.
- The movement of Croats and Muslims around the city will be restricted, and the police will strictly check documents and papers of anyone whom they stop.
- Members of the predominantly Muslim Party of Democratic Action (Stranka Demokratske Akcije — SDA) and the Croatian Democratic Union (Hrvatska Demokratska Zajednica — HDZ) are not allowed to cause harm to the Serbian people through their actions.
- Bosnian Serb authorities in Bosanska Krajina do not recognize the [UN-EC brokered] London accord [which among other points called for the placement of all heavy weapons under international supervision] and will not surrender their artillery into the hands of the Muslims while Radovan Karadžić, the leader of the Bosnian Serbs, may not agree to anything in the name of the Banja Luka Serbs.

Some refugees interviewed by Human Rights Watch/Helsinki representatives claimed to have watched this television program and generally confirmed that the above-mentioned statements were made.

All non-Serb citizens wishing to leave the Banja Luka municipality must obtain a series of documents before they are allowed to leave the area. The exit documents do not include any right to return and are valid for one month upon receipt. The exit documents include clearances from the Bosnian Serbs' self-proclaimed Ministries of Interior and Defense and acknowledgments that all private property is "voluntarily" left to the state, i.e., the authorities of the so-called "Republika Srpska."

H.N.,[47] a Serbian woman who fled Banja Luka with her Muslim husband, identified the procedures that Croats and Muslims had to follow before they were allowed to leave Banja Luka. Her testimony and the testimony of others from the Banja Luka region attest to the institutionalization of "ethnic cleansing" in the Banja Luka municipality. According to H.N.:

> You needed papers to get out. You had to report your departure in the police station (SUP). You have to go [to the police station] in person and the place is always crowded because everyone wants to get out. When they ask you where you plan to go, you cannot say you are going outside of the country [i.e. the former Yugoslavia]. You have to say you're going somewhere in Croatia to a friend's private home.
>
> Then you need to report to the [self-proclaimed Bosnian Serb] Ministry of Defense, where the men have to hand in their military service books. They copy the books but you don't get the original or a copy returned to you. When some went to the Ministry of Defense, they were taken to work as forced labor for the Serbs.
>
> Third, you have to go to the Housing Commission and ask for a permit from the municipality certifying that you do not own property.
>
> Fourth, you have to go to the post office and each individual person has to obtain a letter certifying that he or she does not have a telephone.
>
> Then all those who are not minors have to go to the bank and obtain a letter certifying that they do not owe the bank any money. Even if you need these documents urgently because you fear for your life they won't give them to you until the next day or following week; if you pay them off, though, you get it right away.
>
> Then, every person has to go to the Banja Luka division of the Ministry of Defense and pay twenty German marks per person [approximately US $13]. You then get a piece of paper [*iseljenica*] which is valid for thirty days allowing you to leave the area. If you don't leave within those thirty days, you have to go through all this bureaucracy again.

[47] Interviewed by Human Rights Watch/Helsinki representatives on May 13, 1994, in Croatia.

> Then you travel to the checkpoint with the exit permit. The ICRC tells us that all you can take is your personal clothing and footwear. They say they have been instructed to tell us this by the authorities of the "Republika Srpska."
>
> When you leave Banja Luka, you have to pass through four checkpoints. The first one is at the Gradiška bridge; the second and third checkpoints are at the entrance and exit of the Serbian-held area of Croatia. Then you go through a Croatian checkpoint once you leave Krajina. The Serbs search the passengers and sometimes take the things you have with you on the bus.

J.M.'s[48] experiences confirmed H.N.'s account. In addition to paying for an exit visa, J.M. claimed that non-Serbs often were required to pay additional monies to the Bosnian Serb authorities before crossing into Croatia. According to J.M.:

> Before I left Banja Luka, I had to get all sorts of documents so I could bring receipts with me. I had to present receipts that I was not an owner of a telephone, house or apartment, and that I did not have a bank account; and finally I had to obtain a notice from the police station. With all those documents, I had to go to the agency for reporting one's departure [*agencija za odjavljivanje*] which was set up in Mejdan, close to the bridge. From them, I received a receipt stating that I was permanently leaving Banja Luka. This agency is a part of the [self-proclaimed Bosnian Serb] Ministry of Defense. Vojislav Denić signed my permit which allowed me to leave; it was issued by the Ministry of Defense...
>
> I had to pay one hundred German marks [approximately US $62] to the Serbian Red Cross in order to receive transportation to Croatia. On the Sava bridge, we had to pay another 120 German marks [approximately US $75] to the Serbian police; it was the regular police, in the blue uniforms — policemen who work on the border between Bosnia-Hercegovina and Croatia. The employees of the Serbian Red Cross collected 120 German marks in the bus and then gave it to the policemen on the bridge. We were not allowed to carry more than fifty German marks [approximately US $30] out of Banja Luka, and whoever had more money, had it taken by the policemen.

T.,[49] a twenty-one-year-old from Vrbanja, recounted the difficulties his family encountered when trying to obtain "clearances" from the Serbian authorities in order to leave Banja Luka. According to T.:

> One night a recently demobilized Serb soldier came to our house at four in the morning with a band of armed men. We recognized him — his name was Dule. He entered through the kitchen and began to scream out threats such as "Balije, .

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[48] Interviewed by Human Rights Watch/Helsinki representatives on February 27 and 28, 1994, in Croatia.

[49] Interviewed by Human Rights Watch/Helsinki representatives on May 13, 1994, in Croatia.

I will kill you!," and "Leave the house, it now belongs to us." We knew then that it was time to leave, but the UNHCR had pulled out of Banja Luka around the beginning of March during the Goražde crisis in order to avoid any sort of reprisals. They didn't work in Banja Luka for about two months. The people were left completely helpless. Anyway, UNHCR couldn't do anything for us until we collected all the proper documents and "received permission" from the Serbian authorities to leave. ...

During this time, the Serbs had intensified their pillaging of houses and searches for Muslim and Croat men; they needed us to dig trenches at the front lines at Doboj where they're fighting with the Bosnian Army. They surrounded Vrbanja on April 20th, completely closing it off, and then proceeded to conduct a house to house sweep taking any valuables they could, and rounding up anyone they saw fit to take. The sweep lasted for over twenty-four hours. So my sister ran around the city for two weeks looking for all sorts of documents in order to get the family out, while all the men [in the family] hid.

It turned out that we had to pay between five to ten German marks [approximately US $3 to $6] for each document which confirmed that we closed our accounts in the bank, relinquished ownership of our houses, apartments, etc. Imagine, we had to pay them in order to transfer all our possessions to them! The Serbs made up all sorts of new rules, regulations and laws so that they could squeeze as much money out of people as possible before they left. We also had to pay thirty German marks [approximately US $19] per head as an exit tax in order to leave the area. And that's how we got out of Banja Luka a few days ago; we have nothing except the clothes on our backs and some blankets. Since we left, the UNHCR stopped working [in Banja Luka] again. I don't know what will happen to the people in Banja Luka who want to get out right away. Things are just getting worse and worse over there.

UNHCR officials also report that Serbian authorities in the Banja Luka region charge "exit taxes" and other fees that bring the cost of departure to as much as US $200 per person.[50] Many Muslims interviewed by Human Rights Watch/Helsinki claimed that in order to raise money needed to leave Banja Luka, they were forced to sell their personal possessions. In an area where the average monthly salary amounts to less than US $20, and because those non-Serbs seeking to leave Banja Luka had been dismissed from their jobs months earlier, the charging of exorbitant exit taxes amounts to extortion. A refugee fleeing Travnik paid about US $120 for the sixty-mile bus trip to the front line [which separates Bosnian Serb forces from the predominantly Muslim troops of the Bosnian Army.] Other refugees have paid about US $150 for a transit visa to travel to neighboring Croatia.[51] A clerk from Banja Luka told foreign

[50] Roger Thurow, "Forced From Home, Muslims Must Turn To Serbs For Passage," *The Wall Street Journal*, November 22, 1993.

[51] Chuck Sudetic, "Bosnia, Once Again, Grim Reports of 'Ethnic Cleansing,'" *The New York Times*, February 17, 1994.

journalists, "We paid 1,700 German marks [approximately US $1,050] to get out, then we had to pay for each piece of paper. The telephone was ten marks. My passport was one hundred marks. It costs fifteen marks to close my bank account. The prices change all the time."[32]

According to Mr. Bojić, a director of a local Bosnian Serb refugee office in Banja Luka, "Many of the Muslims who come to the Serbian refugee offices have been referred to us by the UNHCR and the Red Cross." Mr. Bojić claims he is deporting Muslims and Croats from the Banja Luka area for "humanitarian reasons."[33]

Based on Mr. Bojić's statement and numerous testimonies from refugees from Banja Luka, Human Rights Watch/Helsinki has reason to believe that the UNHCR and ICRC operations in Banja Luka were overwhelmed and insufficiently staffed to handle the "ethnic cleansing" crisis in the area. Lacking support from the U.N. and the international community, the UNHCR and ICRC have been forced to evacuate those whom they cannot protect. R. from Vrbanja described how difficult it was for his wife to contact the UNHCR and ICRC, and the dangers she faced in doing so:[34]

> My wife would go over to the UNHCR center and wait on line for hours each day. On March 1, 1994, she waited in front of the office for eight hours; her ticket number was #917. That afternoon about fifty Serbian men drove up in front of the office and started threatening and harassing the people waiting in front of the UNHCR office. We weren't even protected there. On March 10, at about 1:00 P.M., Serbs came up in front of the ICRC office and started harassing people again, including my wife. This time they rounded up all the men who were waiting there.

Institutionalized Discrimination: The Case of Čelinac

In at least one case, the Bosnian Serb authorities attempted to institutionalize discrimination against non-Serb civilians in the town of Čelinac, on the outskirts of Banja Luka. A document restricting the rights and freedoms of non-Serbs in Čelinac — issued on July 7, 1992, by the self-proclaimed "War Presidency of the Municipality of Čelinac"[35] — was distributed to the local police and military authorities and to all households in the area. Human Rights Watch/Helsinki obtained a copy of this document and a translation of the document, entitled

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[32] *Ibid.*

[33] Thurow, "Forced From Home, Muslims Must Turn To Serbs For Passage."

[34] Interviewed by Human Rights Watch/Helsinki representatives on May 13, 1994, in Croatia.

[35] Prior to the outbreak of war in April 1992, a municipality (*opština*) of Čelinac did not exist. However, some areas and streets controlled by the various parties to the conflict have been re-named in the past two years. Although Čelinac was part of the Banja Luka municipality prior to the war, the Bosnian Serb authorities presumably have granted Čelinac status as a separate municipality.

"A Decree Regarding the Status of the Non-Serbian Population on the Terriroty of the Čelinac Municipality," follows:[56]

Srpska Republika Bosnia and Hercegovina
Municipality Čelinac
War Presidency

Number: 01-800-83/92
Date: July 23, 1992

DECREE

regarding the status of the non-Serbian population on the territory of the Čelinac municipality

Article 1.

Military activities on the territory of Čelinac and the surrounding municipalities provide grounds for a decision to grant special status to the non-Serbian population, with clearly defined rights, obligations and responsibilities.

Article 2.

The citizens referred to in Article 1 from the Čelinac area and:

1. Halil Memić (son of Edhem)
2. Osman Memić (son of Edhem)
3. Refik Hodžić (son of Paša)
4. Dževad Hodžić (son of Paša)
5. Džemal Hodžić (son of Paša)
6. Kemal Hodžić (son of Paša)
7. Fehim Hodžić (son of Paša)
8. Esad Beharić (son of Mustafa)
9. Zinahid Tenić (son of Refik)
10. Ekrem Nezirević (son of Latif)
11. Mirsad Mecavica (son of Adem)
12. Suad Nezirević (son of Esad)
13. Hasenad Sejdić (son of Hasan)
14. Ibrahim Nezirević (son of Esad)
15. Hasim Mašić (son of Ibro)
16. Tasim Mašić (son of Ibro)
17. Armin Malkić (son of Fahrudin)
18. Salih Nezirević (son of Kasim)

[56] Human Rights Watch/Helsinki retains a copy of the original Serbian-language document in its files.

19. Nazif Nezirević (son of Saban)
20. Munib Hodžić (son of Abaz)
21. Remzija Spahić
22. Šerif Mandal (son of Adem)
23. Saban Šabanović (son of Bakir)
24. Naim Šabanović (son of Bakir)
25. Mirsad Beharić (son of Hamdija)
26. Bajid Smajić (son of Mehmed)
27. Hamdija Čulum (son of Salih)
28. Nijaz Toplić (son of Muhamed)
29. Mustafa Zahirović (son of Muhamed)
30. Fahrudin Malkić (son of Djemal)
31. Ismet Beharić (son of Muharem)
32. Nijaz Bašić (son of Ibrahim)
33. Hilmija Nezirević (son of Idriz)
34. Josip Lukić (son of Ante)

are determined to have negatively affected, and to have expressed themselves in ways which have negatively impacted on, the Serbian people. Therefore, they are being given special status in relation to other non-Serb civilians.

Article 3.

Citizens named in Article 1 have the right to live undisturbed within their households [and] to work and produce to meet their needs for material existence. The authorities of the Čelinac municipality will secure their personal safety and the safety of their property.

Citizens listed in the previous article have all rights related to their health and retirement insurance and all other rights contained in the laws prescribed by the competent authorities.

Article 4.

Citizens listed in Article 1 are allowed to leave the municipality of Čelinac if the entire family is emigrating in an organized fashion. The competent authorities will issue the necessary documentation and secure their safe passage.

Article 5.

Until further notice, citizens listed in Article 1 [i.e., non-Serbs in the Čelinac area]:

- are forbidden from moving within the city of Čelinac between 1600 [4:00 p.m.] hours and 600 hours [6:00 a.m.];

- are forbidden from lingering in the streets, restaurants and other public places;

- are forbidden from swimming in the Vrbanja and Jošavci rivers, from fishing and hunting;

- are forbidden from traveling from the [Čelinac] area to another city without permission from the competent municipal authorities;

- are forbidden from possessing any kind of a firearm regardless of whether or not they possess a permit for it;

- are forbidden from driving a car;

- are forbidden from gathering in groups consisting of more than three men;

- are forbidden from establishing contact with family members who are not residents of the Čelinac municipality without separate permission [from the competent authorities], i.e. the [non-Serbian] resident [of Čelinac] is required to report the visit of persons to his or her home;

- are forbidden from using any form of communication other than the [public] telephone in the local post office;

- are forbidden from owning or wearing any kind of a uniform (military, police, forest ranger);

- are forbidden from selling property and exchanging apartments without the special permission of the competent municipal authorities.

Article 6.

- Citizens mentioned in Article 1 of this decree are required to report for work duty, to act in a disciplined manner and not to denigrate the fight of the Serbian people for their freedom;

- Citizens are required to take care of indigent and impoverished persons belonging to their respective nationality;

- Citizens are required to seek refuge in basements and shelters from possible air operations and to protect children, women and other disabled members of the population;

- Citizens are required to regularly pay what is required of them by law;

- All citizens are required to report the stay of armed groups and individuals [and] members of the Ustaša army and Green Berets;[57]

- In case of larger natural disasters (fire, flood, earthquake), the citizenry is required to undertake all measures to save lives and property;

- Citizens are required to attend to the feeding and care of specified heads of cattle, insofar as this is required for military purposes.

Article 7.

In addition to the obligations listed above, the citizens listed in Article 2 of this decree are forbidden from:

- establishing any sort of contact with other individuals from their neighborhood or moving about between 0000 and 2400 hours, except when they are reporting for work duty.

Article 8.

The responsibilities set forth in this decree are not applicable to persons and households for whom the War Presidency issues separate consent.

Article 9.

This decree takes effect the day of its promulgation and will be enforced as of August 2, 1992.

Article 10.

Disrespect for the regulations set forth in this decree will result in accountability which conforms to valid legal regulations.

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[57] The term "Ustaša army" is used here by the Bosnian Serb authorities to denote Croatian and, to a lesser extent, Muslim forces. With the backing of the Nazi and Italian fascist governments, Croatian fascists (known as Ustaše) established the puppet state of the Independent State of Croatia (Nezavisna Država Hrvatska — NDH). Under the Ustaša regime, thousands of Serbs, Jews, Romas and others were killed between 1941 and 1945. Some Muslims were members of the NDH government and some Muslim forces fought on the side of the Ustaša regime during World War II. Serbian military and paramilitary forces commonly refer to Croat and, to a lesser extent, the predominantly Muslim forces of the Bosnian government as "Ustaše." Both Croat and Muslims reject the label and vehemently deny that they are Ustaša sympathizers or fascists. Some Serbs also refer to Muslims as "Turci" ("Turks"), a derogatory term associating Muslim Slavs with the Ottoman rulers who reigned over most of Serbia from 1371 to 1878.

The "Green Berets" were a predominantly Muslim paramilitary force which fought against Serbian troops during the early weeks of the war, prior to the formation of the Bosnian Army.

Article 11.

Members of the Čelinac police force and other competent authorities of the Čelinac municipality will implement this decree.

DELIVERED TO: WAR PRESIDENCY

1. Čelinac police station
2. Commander of the light
   infantry brigade of Čelinac
3. All households
4. Archives

Z.N., a fifty-nine year-old farmer from Čelinac,[58] described the situation in his village after the promulgation of the above decree:

> Most men were beaten and some were killed. People can't work in their fields. [Instead] they are sent to dig trenches on the frontlines for a month at a time. All our property and all humanitarian aid sent to us was stolen by the Serbs. My house was attacked eleven times — shot at or looted — and once someone threw a hand-grenade at it. Fearing for my life, I spent twenty-seven nights in the fields.
>
> They passed legislation forbidding us to meet in groups of more than two men[59] and banning our youth from swimming in the river. They stole the humanitarian aid that was sent to us. All [non-Serbian] property was stolen and we had no right to complain.
>
> Of 1,400 Muslims who lived in Čelinac before the war, only 300 remain, most of them elderly persons. Serbs charged up to 1,000 dollars to take a Muslim out of Čelinac through the corridor [i.e., the Bosnian Serb-controlled land route through northern Bosnia which connects Banja Luka to Serbia proper.] I went to the municipal authorities to sign my house over to an honest Serb from my village. They kicked me out of the office saying that I own nothing and that my only right is to leave.

Eviction From Homes and Unlawful Seizure of Property

Muslims and Croats are forced to turn their houses and apartments over to Serbs, mostly to arrivals who have been expelled from or have left areas controlled by Muslim or Croat forces

[58] Interviewed by Human Rights Watch/Helsinki representatives on May 13, 1994, in Croatia.

[59] Although the witness stated that no more than two men were allowed to meet in one group, the aforementioned decree forbids the gathering of more than three, not two, non-Serbian men.

in Bosnia-Hercegovina or by Croatian forces in Croatia. Also, local Serbs — primarily soldiers and those living in villages — have evicted Muslims and Croats living in the city. In many cases, the legal tenant, a non-Serb resident, is not provided with an expulsion order. Rather, a certificate of right to tenancy is issued to the new occupant, who then expels the non-Serb inhabitants by force, often with the assistance of the Bosnian Serb police, military police or soldiers. The majority of the evicted persons do not receive any alternate accommodations.

If a company owns housing belonging to non-Serb employees, it issues a decision canceling the tenancy right of the original non-Serb tenants. The decision commonly orders the tenant to vacate the apartment within a prescribed time limit, varying from three to fifteen days. Appeals do not postpone the execution of the decision. The housing is then given to a Serbian tenant. The reason given in most cases for the issuance of such eviction notices is that the member of the tenant's family did not report for military duty. However, no legislation regulates such evictions, which appear to be arbitrarily based on one's ethnic affiliation.

Human Rights Watch/Helsinki representatives and the Humanitarian Law Fund, a Belgrade-based human rights organization, have identified the procedures used by Serbian authorities in Banja Luka to allot housing to displaced Serbs. These procedures also have been described in U.N. cables and reports. Upon arrival, the displaced persons are required to register with the Banja Luka military authorities and are then sent to the front line for a four- to six-month period. Once they have fulfilled this duty, their military registry records are stamped and they are granted the "privilege" of occupying an empty house and receiving humanitarian aid. They then choose a house belonging to a non-Serb and inspect it when the owner is absent, attending to work obligations[60] or at the market. The Serbian displaced persons, soldiers or villagers choose a house they want to occupy and notify the Bosnian Serb authorities of their choice. The authorities declare the house empty, issue the necessary documents, and the new "owners" evict the legal residents, usually with the help of the Bosnian Serb police or through physical violence and intimidation.

United Nations officials and refugees from Banja Luka have stated that Serbian nationalists in Banja Luka pay local police officers to drive Muslims and Croats out of their homes so they can then take over their property. According to Louis Gentile, the former head of the UNHCR office in Banja Luka, "It's absolutely sanctioned by local leaders. It is well organized, and they try to keep it well hidden."[61]

B.Q.,[62] a fifty-one-year-old construction worker from Vrbanja, described the eviction from his home:

[60] For a description of forced labor duty for non-Serbs, see relevant section below.

[61] Chuck Sudetic, "In Bosnia Again, a Grim 'Ethnic Cleansing'."

[62] Interviewed by Human Rights Watch/Helsinki representatives on February 27 and 28, 1994, in Croatia.

On the sixteenth of November 1993, three Serbs came into my house, two soldiers and one civilian. One of them — Nedeljko Damjanović — moved into the loft of my house. After that I slept in houses of different neighbors every night. Sometimes during the day I could go into my house and sometimes I couldn't; they would simply not allow me to come into my house. They had parties on my terrace ... I had to turn my house over to a Serb policeman who works in the main police headquarters (SUP) in Banja Luka — Dragan Šainović — so that I would be able to obtain permission to leave town. We [transferred ownership of my house in exchange for my exit permit] in court; it was all very official. Nobody ever received any police protection. The Serbs initially attacked those who were wealthier and more well-known. Later, they started to attack [those of us who were not as wealthy or socially prominent], one after another. They emptied the villages of Rasići and Mehovci in the same way.

An elderly Muslim woman was evicted from her home in Banja Luka. She recounted her experience:[65]

I was born in 1921. My husband was a veteran of the Second World War. I was abused because my children didn't want to go fight for the Serbs. Last year, after the new year, on a Saturday night, someone threw a hand grenade under my window. Eight days later, another hand grenade was thrown and all my windows were blown. I lived through the winter without any windows. My Serbian neighbor and Serbian soldiers and their children mistreated me. They cursed me and wrote on my stairs. I woke up one morning and heard my neighbor of twenty-five years calling me a "Balija" and a "Turk."

The first time [this maltreatment started] was during the summer of 1992; it was 7:30 P.M. Someone rang my bell ... I asked who it was and they said it was the military police. I opened the door and asked them what they needed. They said, "We need to kick you out [of your house] and you need to get out now." I asked them to give me twenty-four hours. They said, "We'll give you forty-four hours to give the key to Rade Unčanin." He was the former player of the handball club "Bora" in Banja Luka. He was the president of the housing commission [*kućnog savjeta*] in our street. Despite this, I didn't leave after forty-four hours.

In June 1993, I got kicked out. Marko Djaković worked in the town council [*mjesna zajednica*]. He sent people with a truck to my house. The truck was full of their things and they were ready to move in despite the fact that I was still there. They brought the truck and the wife, L., hit the wall of my house and said, "This is mine." Rajko Kasagić signed [the permit allowing them to occupy] my apartment. But two families came to move into my house at the same time and they started to fight over who would take my apartment.

[65] Interviewed by Human Rights Watch/Helsinki representatives on May 13, 1994, in Croatia. Th witness chose not to give her name.

> I asked them why they were kicking me out and they said because my sons were not in the Serbian Army. The people who eventually moved in were ... from the nearby village of Piskavice; they were not refugees. Those [Serbs] from the villages are moving into the city and taking homes from the Croats and Muslims. The second family that wanted to move in also were from Banja Luka. They were from the city and they already had a house but they wanted another one for their cousin or someone.

After she was evicted, the elderly woman went to live with her son and his family, who were later evicted. According to M., the woman's daughter-in-law,:[64]

> My mother-in-law was home when someone from the housing commission came to the apartment. They said, "Our defenders [soldiers] need apartments." Later, D.K. came to our door — he was drunk. Then two days later he came back again with the others; about ten soldiers wearing uniforms of the Republika Srpska came. [They were] from the 16th Brigade. They took our bicycle, cassette player and television and told us to move out in twelve hours, and we did that. This happened in early April 1994. Six or seven men came back, and we gave them our keys. Ranko Dragičević, a commander in the Serbian Army, had sent his drunken soldiers to mistreat us. They threw everything out and cursed us.

The elderly woman claimed that, when the soldiers came to evict the family, she began packing her things. According to the woman:

> I started to pack and [one of the soldiers] said to me, "Why do you need clothes? You'll be killed anyway." We called the police, but no one came. We lived from house to house and then we came here [to Croatia].

According to Joran Bjallerstedt, a UNHCR protection officer, "Kicking Muslims and Croats from their homes, looting their property and stealing their cars is big business in Banja Luka; the money in Banja Luka is beyond belief."[65] Local civilian and military policemen hired to force people from their homes are generally paid about US $350 in cash or in goods, such as television sets the Muslims and Croats are forced to leave behind. "These men sell the goods, and they sometimes appear later in stores," stated Georgis Karatzoglu, a U.N. aid worker in Banja Luka, "It has become a lucrative business in Banja Luka."[66]

In addition to their coerced transfer of property to individual Serbs and local authorities, Muslims and Croats are frequently robbed, and their property is burglarized. In some cases, the homes of Muslims and Croats are searched and their property is confiscated during so-called "weapon searches." Bosnian Serb authorities justify such searches of Muslim, Croat and Roma

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[64] Interviewed by Human Rights Watch/Helsinki representatives on May 13, 1994, in Croatia.

[65] Pomfret, "Misery for Muslims and Croats in Bosnia."

[66] Sudetic, "In Bosnia Again, a Grim 'Ethnic Cleansing'."

homes as necessary for military reasons. However, the searches are usually conducted by heavily armed soldiers who use excessive force, frequently destroying, damaging or seizing property belonging to non-Serbs. The searches are aimed at intimidating, terrorizing and forcing the flight of the non-Serbian population in the area. Local and municipal officials in Banja Luka rarely, if ever, investigate or arrest those responsible for these crimes. For example, a daylight robbery of a private Muslim house in the Vrbanja suburb was witnessed by a UNHCR officer who then reported it to the local police station. The UNHCR officer described the response of the local police Bosnian Serb authorities to his complaint:

> The response was[: "It] is not UNHCR's business, only the owner can report [the crimes]." [But,] in Vrbanja, no phones have been functioning since August of 1993. They told UNHCR that they [the robbers] were sent by Mr. Branko Rajak, [who is] responsible for "resettlement" of Serbian DPS [displaced persons] in Vrbanja, to check if they like the house. Rajak is the key player and the man responsible for eviction from private properties and robberies taking place in the last two months in the Vrbanja area.[67]

Though Bosnian Serbs authorities have repeatedly been informed of the deteriorating security situation by the UNHCR and ICRC field staff in the area, there has been no decrease in the persecution of non-Serbs. Indeed, the current trend seems to be an increase in the level of persecution and terror on the outskirts of Banja Luka in order to effect greater displacement of the non-Serbian population.

Forced Labor[68]

Local Serbian officials have pressed non-Serbian men into work brigades, forcing them to dig trenches on the front line, chop wood in mined fields and carry ammunition for the Bosnian Serb forces.[69]

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[67] This information is taken from a report filed by international field personnel in the Banja Luka area on January 15, 1994.

[68] Although international law permits the use of prisoners of war as labor, the non-Serbian civilians remaining in Banja Luka are not prisoners of war as defined under international law, and cannot be compelled to perform tasks in the arena of fighting. According to the Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949 (hereinafter Third Geneva Convention), prisoners of war are defined as members of armed forces belonging to one party to the conflict, or "persons who accompany the armed forces without actually being members thereof," who otherwise have fallen into the power of an enemy or opposing party. (For the full and detailed definition of "prisoners of war," see Article 4 of the Third Geneva Convention. Articles 23, 49, 50 (b) and (c), and 57 of the Third Geneva Convention regulate the treatment of prisoners of war and the conditions under which they can be used as labor. See also *1977 ICRC Commentary* at 267.)

[69] Sudetic, "In Bosnia Again, a Grim 'Ethnic Cleansing'."

B.C.[70] was picked up by eight Serbian policemen in Banja Luka on November 9, 1993 at his neighbor's house, under the pretext that he was selling weapons. B.C. remembers:

> They were beating me with their hands and clubs, they were kicking me, etc. In the end, they wrote my "confession" in which they included whatever they wanted, something about crimes which I didn't commit, and I had to sign it without reading it. I was transferred to [the detention camp at] Mali Logor, after which I was sent to Bosanski Brod for forced labor duty. Everyone there was either Muslim or Croat.

After two weeks, B.C. had to go to Bronzani Majdan, where his wife relocated. B.C. described the conditions in the village:

> In Bronzani Majdan, they told me I was to continue working for them. In the morning they would announce where we had to go to work ... We were digging and doing other kinds of things for twelve hours a day, without any food. We were sent back [to the village] overnight, and the next morning we had to come back to work again. The people from Bronzani Majdan asked for help from the ICRC and the UNHCR because they didn't want to leave, but they were told that they could not protect them. Nobody protected us there. Of course the police didn't protect us — not because they couldn't, but because they didn't want to.

Even medical records declaring a person unfit for hard labor due to illness or poor health were not legitimate forms of protection from Serbian roundups for forced labor. T.,[71] the twenty-one-year-old from Vrbanja, recounted what happened to his father:

> They tried to round up my father as well, but he had a document from the doctor stating he was unfit for physical labor due to his poor health. They tore it up when they stopped him in the street. All they were interested in was bodies for forced labor at the front lines. Luckily he had made a copy of the document earlier, because when he was harassed again, he still had a document to prove that he was unfit for work. I myself stayed in the woods for three months, hiding at night, and sometimes coming back home during the day to get food. You never slept at home because that's when the Serbs were most likely to conduct their raids on civilian houses looking for men; they slept during the day and came out to do their work at night. All the civilians were completely terrified when they would go to bed, wondering whether or not they would be the next victims that night.

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[70] Interviewed by Human Rights Watch/Helsinki representatives on February 27 and 28, 1994, in Croatia.

[71] Interviewed by Human Rights Watch/Helsinki representatives on May 19, 1994, in Croatia.

At the end of July 1993, C.,[72] whose heart disease has prevented him from working for five years, was picked up by two policemen from Bronzani Majdan and ordered to perform hard labor. C. stated:

> The police commander was a Serb from Croatia, a new commander. The main person was Velimir Palacković — he became the president of the town council immediately after the war started. He is responsible for what was going on in Bronzani Majdan; he made decisions regarding mobilization, and forced labor, and he controlled what the police did. He forced people from our village to work for him without registering them in Banja Luka, so they had to fulfill double work obligations. Civilian police would come, pick up the men and take them to the army's recreation center [*dom armije*] in Banja Luka and send them to the front lines to fight and work.

N.N.,[73] a twenty-three-year-old bricklayer from the village of Kuljani, had a grenade tossed into his house and did not venture outside after he was attacked by soldiers of the Serbian Army. Nevertheless, he was rounded up during Serbian "village sweeps" in order to perform forced labor. N.N. described:

> Serbs would go through villages — Serbs who knew us — and tell us that we had to report for "work duty." We had to clean the railway and dig canal systems. Some men were taken to dig trenches in Doboj and Bosanski Šamac. When we wouldn't respond to the draft notices sent to us, the military police would come into the village, pick men from their houses and take them to [detention camps] at Mali Logor or Manjača.

Arbitrary Dismissal From Employment

A majority of non-Serbs in the Banja Luka municipality have been dismissed from their jobs, imposing socio-economic hardships on their families and eventually forcing their flight from the municipality. Discriminatory dismissals from jobs, refusal of medical and humanitarian aid and other forms of discrimination are employed to marginalize the non-Serbian population in the area. No reasons are given for the job dismissals, and the non-Serbs can be fired without prior notification or compensation.

In the former Socialist Federal Republic of Yugoslavia (SFRY), public or state-owned enterprises provided housing and other welfare benefits for their employees. Those non-Serbs who are now being dismissed from their jobs in Bosnian Serb-controlled areas also lose the

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[72] Interviewed by Human Rights Watch/Helsinki representatives on February 27 and 28, 1994, in Croatia.

[73] Interviewed by Human Rights Watch/Helsinki representatives on February 27 and 28, 1994, in Croatia.

rights to occupy their homes (which often are owned by their employers), and are denied welfare and medical benefits.

According to N.N., the twenty-three-year-old bricklayer from the village of Kuljani,:

> All the Croats and Muslims were fired. Only Serbs worked in the health services sector, which meant that all non-Serbs had to pay for the hospital since they had no health insurance. Most Muslim and Croat families stopped sending their children to school because of the pressure to which they were exposed: insults, threats, children would call them Ustaše, etc. In school, children had to learn everything according to a new, Serbian school program; they were forced to write only in Cyrillic.

According to Belgrade-based journalists, the Bosnian Serb authorities have imposed an ethnic quota system for jobs. At first, they declared that the proportion of the employed people should be 80 percent Serbs and 20 percent "others." Subsequently, the employment proportions were corrected to 85/15, then 90/10, and most recently 95/5, favoring the Serbian population. In addition, all leading managerial posts are reserved for loyal Serbs, i.e., those Serbs supportive of the Bosnian Serb regime.[74]

H.N., the Serbian woman who fled Banja Luka with her Muslim husband,[75] also was dismissed from her job because her husband did not report for military duty. According to H.N.:

> [My husband] was fired in August 1992 ... [and I was dismissed from my job] in February 1993. I worked as a typist, and 200 people were fired [from my firm] — Croats, Muslims and those in mixed marriages. They were fired [for reasons] relating to the service of military duty in the Serbian Army. My dismissal notice claims that the Defense Ministry ordered my director to dismiss those employees who did not fulfill their military duty and members of their immediate families.[76] People were fired on the basis of that criterion.

K.N., H.N.'s husband,[77] explained the basis for his dismissal:

> You had to get a permit stating that you had reported for military duty. Those [of us] who didn't have this paper were not allowed to enter our work premises and were later fired. My dismissal notice stated that I was fired because I refused to report for work for five or six days.

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[74] Zafirović, "Republika Srpska'."

[75] Interviewed by Human Rights Watch/Helsinki representatives on May 13, 1994, in Croatia.

[76] Human Rights Watch/Helsinki retains a copy of the dismissal notice.

[77] Interviewed by Human Rights Watch/Helsinki representatives on May 13, 1994, in Croatia.

Every refugee and displaced person from the Banja Luka region interviewed by Human Rights Watch/Helsinki had been fired from his or her job soon after the war broke out in Bosnia-Hercegovina in April 1992. Human Rights Watch/Helsinki also received reports that Serbian residents of Banja Luka have been dismissed from their jobs because they or members of their families are deemed "disloyal" or insufficiently supportive of the Bosnian Serb authorities or their policies.

Left without any source of income, many Muslims and Croats have been forced to sell their household and personal belongings at the local market in order to support themselves and their families. While at the local market, many are often attacked by the Bosnian Serb police and paramilitaries, and their goods are often confiscated.

Fifty-two-year-old F.P.[78] recounted his experience:

> Several months ago I tried to sell my bicycle at the market. The police surrounded the market and started to check everyone's ID's. When they came to me they asked, "What did you do for our Serbian state?" I took out the official notice that I was drafted for forced labor. He said that the paper was not valid and he tore it up. I asked why he did that and he responded that he tore up the paper because I am a "Balija." I fled.
>
> Another time I was selling plates at the same market. Two reserve soldiers came by and broke them all. When I protested, they threatened to kill me. My brother-in-law was beaten at the market by Serbian soldiers.

In early February 1994, Banja Luka authorities officially banned Muslims from going to the city markets to sell their belongings.

Forced Mobilization into the Bosnian Serb Army

The self-styled government of the "Republika Srpska" is forcibly mobilizing non-Serbs into the Bosnian Serb Army as part of its overall strategy of "ethnic cleansing."[79] When the Yugoslav Army (JNA) was openly operating on behalf of Serbian forces in Bosnia and, earlier, in Croatia, Muslims and Croats also were conscripted into the JNA against their will. Numerous testimonies from expelled non-Serb citizens in the Banja Luka region suggest that the Bosnian Serb and JNA authorities have actively conscripted non-Serb civilians (i.e. Croats and Muslims) into the JNA or the Bosnian Serb Army to fight against Muslim and Croat troops. An overwhelming majority of the non-Serbs who receive draft notices refuse to respond to the conscription. Those who refuse to respond to their notices and members of their families

[78] Interviewed by Human Rights Watch/Helsinki representatives on May 13, 1994, in Croatia.

[79] There is no authority in international law whereby a self-styled and unofficial government has the right to carry out forced mobilizations of civilians residing in a region it controls.

subsequently are physically attacked, expelled from their homes, stripped of their civil and political rights, and denied social, economic and welfare benefits available to Serbs. Such marginalization forces non-Serbs who refuse to join the JNA or the Bosnian Serb Army to leave the area.

Special Bosnian Serb police units patrol suburbs in which mostly non-Serbs reside. These police units confiscate personal documents of men between the ages of eighteen and sixty who are eligible for the draft. Certificates regarding movement throughout the city are also confiscated.[80]

J.N.,[81] a mechanic from Ivanjska, was fired in May 1991 because he refused to be drafted into the Yugoslav Army (JNA) for the war in Croatia. He remained in Banja Luka for two years before he could leave for Croatia. According to J.N.:

> We, Croats and Muslims, were not allowed to move freely in the area. Because I didn't have permission to move freely, I didn't dare come out of the house for a very long period of time, for more than four or five months. If soldiers or police or whoever find someone without a permit for movement, they pick you up and send you into the Serbian Army ... One had to live without working, without any source of income, in total fear, with the danger that you would be sent into the army or assigned to forced labor, with no rights and no protection ... The police have not solved a single case involving murder, wounding, or attacks against Croat houses.

J.M.,[82] a twenty-four-year-old bricklayer, lived in the village of Barlovci, a predominantly Croatian village with a little more than one hundred houses, roughly twelve kilometers from Banja Luka. He was fired in May 1991 because he refused to join the JNA for the war in Croatia. He left the municipality because he was not allowed to work or leave his house and because he feared being beaten, imprisoned or drafted into the Bosnian Serb Army should he leave his home. According to J.M.:

> On Christmas Eve 1992, my brother went to Banja Luka to buy some things, and Serbian soldiers and military police picked him up, sent him to [the] Manjača [detention camp], where he stayed for a while, only to be returned to the military barracks in Banja Luka called Kozara. There the Serbian Army distributed draft

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[80] All non-Serbs in the Banja Luka region must carry valid documentation at all times, and movement within the area is restricted to persons holding a "document for movement" which can be checked by anyone from the Serbian military, paramilitary or police forces.

[81] Interviewed by Human Rights Watch/Helsinki representatives on February 27 and 28, 1994, in Croatia.

[82] Interviewed by Human Rights Watch/Helsinki representatives on February 27 and 28, 1994, in Croatia.

notices; he was supposed to go to Orašje.[83] He took his draft notice, and when he was released [from the barracks], he went into hiding and prepared to escape. In 1993, I also started receiving draft notices and I also hid.

J.J.,[84] the resident of Volari, returned home after he escaped from the JNA with another colleague when the war in Croatia started in 1991. J.J. recounted:

> I was arrested by JNA soldiers in September 1991, and sent to Mali Logor, a military prison, for a month. I was then forced to put on a uniform, and they sent me back to the military barracks in Dvor na Uni [in the Serbian-controlled area of Croatia]. I escaped again and went back home. After twenty days I was arrested and taken to Mali Logor in Banja Luka. I wasn't given any food or water, and I was beaten. I was arrested and released twice more, and I stayed in prison for a period of two months. There I was mistreated by the military police. The commander was Kosta Trifunović; he personally gave orders to beat and mistreat prisoners. The commander of the military police was and still is Nikola Rašeta, an ex-captain in the JNA; he beat me personally and ordered the others to beat me. He tried to strangle me; he was very angry with me because I didn't want to join the Serbian Army.

Z.S.[85], the twenty-one-year-old Croat from Banja Luka, told Human Rights Watch/Helsinki last month:

> My older brother was drafted to fight in the Yugoslav Army on September 19, 1991. On September 29, they called to tell us that he had been killed in the war [in Croatia] and that we should come and get his body.
>
> In December of 1992, six Serbian military policemen came to my house with a draft notice. They searched my house and found a Croatian flag. Then they beat me and attempted to hammer a nail into my head. I saved myself by jumping out through a closed window. I reported this to the police, and they said that "this was nothing." They said that I was lucky to be alive. I spent the following six months hiding in the woods to avoid the draft. There are at least 250 to 300 people still in hiding in the woods around Banja Luka and Prijedor.

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[83] Orašje is a town in northeastern Bosnia controlled primarily by Bosnian Croat forces. Areas around Orašje are controlled by Bosnian Serb forces. The witness's brother presumably was being mobilized to fight against the Bosnian Croat forces in Orašje.

[84] Interviewed by Human Rights Watch/Helsinki representatives on February 27 and 28, 1994, in Croatia.

[85] Interviewed by Human Rights Watch/Helsinki representatives on May 13, 1994, in Croatia.

Misappropriation of Humanitarian Aid

Bosnian Serb authorities reportedly have been misappropriating humanitarian aid in the Banja Luka area. According to some refugees interviewed by Human Rights Watch/Helsinki, humanitarian aid is being denied to non-Serbs in the region.

R., from Vrbanja,[86] recounted his experience with the distribution of humanitarian aid in the Banja Luka municipality:

> A few weeks ago, the Serbs blocked off Vrbanja completely and "swept" through the neighborhoods, taking everything from cars to furniture to people. Vrbanja was already in bad shape; there were all sorts of problems with the delivery of humanitarian aid from [the Muslim aid agency] Merhamet and the ICRC. We've been getting "leftovers" for at least the past year: ICRC and Merhamet have been delivering aid to the Serbian refugees first, and whatever is left over gets distributed among us. The Serbs constantly ask for help, and if they don't receive any, they start to threaten the ICRC and Merhamet. The Serbs are getting more than enough since all the stores, markets and pharmacies in Banja Luka are filled with Red Cross food and medicine. We have to buy ICRC food and medicine with German marks, and they give you change in Serbian "super" dinars, knowing that we can't use them anywhere outside Banja Luka. Men in camouflage uniforms sell ICRC goods at the market! Furthermore, the humanitarian aid that was being delivered to our neighborhoods was simply dropped off at the municipal office barracks, and left there. No one dared to take anything: the men were hiding and the women and children didn't want to run into trouble. Therefore, on numerous occasions, Serbian civilians and paramilitaries would take whatever supplies they needed and would set fire to the rest. The local relief agencies are too frightened to distribute the supplies themselves.

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This report was written Ivan Lupis and Vlatka Mihelić, Associates to Human Rights Watch/Helsinki, and Ivana Nizich, Research Associate to Human Rights Watch/Helsinki. The report is based on testimonies taken by Željka Markić, Associate to Human Rights Watch/Helsinki, in February 1994, and by Ivan Lupis, Vlatka Mihelić and Ivana Nizich in May 1994. Regan Ralph, Staff Attorney to Human Rights Watch Women's Rights Project, wrote the footnote explaining rape as a war crime. Cynthia Brown, Program Director of Human Rights Watch, edited the report. Jasminka Kalajdžić, a law student and intern at Human Rights Watch/Helsinki, provided research assistance and Christina Derry, Associate to Human Rights Watch/Helsinki, provided production assistance for this report.

[86] Interviewed by Human Rights Watch/Helsinki representatives on May 13, 1994, in Croatia.

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Human Rights Watch/Helsinki (formerly Helsinki Watch) Human Rights Watch is a nongovernmental organization established in 1978 to monitor and promote observance of internationally recognized human rights in Africa, the Americas, Asia, the Middle East and among the signatories of the Helsinki accords. Kenneth Roth is the executive director; Cynthia Brown is the program director; Holly J. Burkhalter is the advocacy director; Gara LaMarche is the associate director; Juan E. Méndez is general counsel; and Susan Osnos is the communications director. Robert L. Bernstein is the chair of the executive committee and Adrian DeWind is vice chair. Its Helsinki division was established in 1978 to monitor domestic and international compliance with the human rights provisions of the 1975 Helsinki accords. It is affiliated with the International Helsinki Federation for Human Rights, which is based in Vienna. The staff includes Jeri Laber, executive director; Holly Cartner, counsel; Erika Dailey, Rachel Denber, Ivana Nizich and Christopher Panico, research associates; Christina Derry, Ivan Lupis, Alexander Petrov, Zeljka Markić, Vlatka Mihelić and Isabelle Tin-Aung, associates. The advisory committee chair is Jonathan Fanton; Alice Henkin is vice chair.